

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re: ) CASE NO: 10-46879-399 Chapter 13  
)  
DONALD WARD )  
) Response Due: 12/23/2010  
) Hearing: 6  
Debtor(s) )

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PLAN PAYMENTS AND NOTICE**

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee In bankruptcy, and for his Motion to Dismiss states as follows:

1. That the above captioned case was filed on Jun 19, 2010. The debtor's plan proposes to pay the sum of \$ 580.00 per month.
2. Pursuant to 11 U.S.C. 1326(a)(1) the debtor's first payment was due on July 19, 2010 .
3. That the Trustee has received payments from the debtor over the last nine months as set forth in exhibit A, attached hereto.
4. That the amount due to the Trustee to date is \$ 2,900.00 but the total paid into the plan to date is \$ 1,740.00 .
5. That the debtor is \$ 1,160.00 in default through Dec 02, 2010.

WHEREFORE, the Trustee prays the Court enter its order dismissing this Chapter 13 case for failure to make plan payments.

**NOTICE OF FILING OF MOTION TO DISMISS**

Please take notice that the Chapter 13 Trustee has filed a Motion to Dismiss. Any responsive pleadings including an amended plan, if one is to be filed, must be filed in writing with the US Bankruptcy Court, 111 S Tenth St, 4th Floor, St. Louis MO, 63102, and with the Chapter 13 Trustee at the address indicated below, within 21 days of the date of this notice. If no responsive pleading is filed, the motion may be granted without further notice to any party upon submission of an order from the Trustee. If a response is filed, this matter will be set for hearing upon subsequent notice.

The undersigned hereby certifies that a copy of the foregoing motion and notice was served upon the following either through the Court's ECF system or by regular mail this day of December 2, 2010 .

/s/ John V. LaBarge, Jr.

DAM-026

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John V LaBarge Jr Ch 13 Trustee  
P.O. Box 430908  
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HEAGLER LAW FIRM  
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63105

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EXHIBIT A

RECEIPTS FROM Jun 19, 2010 TO Dec 02, 2010

RECEIPT DATE	RECEIPT AMOUNT	RECEIPT TYPE
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Jul 19, 2010	\$ 580.00	MONEY ORDER FROM DEBTOR
Aug 25, 2010	\$ 580.00	MONEY ORDER FROM DEBTOR
Oct 18, 2010	\$ 280.00	MONEY ORDER FROM DEBTOR
Oct 18, 2010	\$ 300.00	MONEY ORDER FROM DEBTOR